

A Guide to North Carolina Bicycle and Pedestrian Laws

PART - 2



**Guidebook on
General Statutes,
Ordinances,
and Resources**



North Carolina Department
of Transportation
Division of Bicycle &
Pedestrian Transportation

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*Laws are subject to change by the
North Carolina General Assembly.
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North Carolina Department
of Transportation
Division of Bicycle &
Pedestrian Transportation

Disclaimer

Every attempt has been made to provide complete and thorough information on the North Carolina laws pertaining to bicycles and pedestrians. Neither ITRE nor NCDOT can be held responsible for any exclusions, omissions nor deletions of relevant laws. If you have questions or concerns regarding North Carolina law pertaining to bicycles or pedestrians, you may wish to consult an attorney.

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Access an electronic version of this document at
[http://www.ncdot.org/transit/bicycle/laws/resources/
lawsguidebook.html](http://www.ncdot.org/transit/bicycle/laws/resources/lawsguidebook.html).

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Pedestrians and the Law

Organized by topic, this section discusses North Carolina laws affecting pedestrians.

In this section, the number of the General Statute is shown at the end of each discussion. For the specific wording of the law, please refer to the sections called General Statutes (shown in numeric order) in this guide that relate to pedestrians: North Carolina Statutes Related to Pedestrians on page 53 and North Carolina Statutes Related to Both Bicyclists and Pedestrians on page 63.

Pedestrians
and the Law

Please note that under North Carolina law, operators of personal assistive mobility devices are defined as pedestrians, so these pedestrian laws apply. Please see the *Definitions* section under General Statutes on page 27 considered part of the law.

Pedestrians and Facilities

Signals

Pedestrians must obey special pedestrian-control signals as follows:

WALK - Pedestrians facing the signal can walk across the roadway in the direction of the signal, and motorists must yield the right-of-way.

DON'T WALK - Pedestrians cannot start to cross the roadway, but if they are partially across the highway they can complete their crossing or proceed to a safety island. [§20-172(b)]

On certain streets and highways, traffic islands or other spaces are set aside specifically as pedestrian refuges when pedestrians cannot completely cross the roadway on a single WALK signal. [§20-4.01 (39)]

When these special pedestrian-control signals are not provided, pedestrians must obey the regular traffic-control signals, such as traffic lights. [§20-172(c)]

At places without traffic-control signals, pedestrians should adhere to the rights and responsibilities described in Part 11 of Article 20-Pedestrians' Rights and Responsibilities, which includes §20-172 through §20-175. [§20-172(d)]



Walking Along the Road

When a sidewalk is available, pedestrians must use the sidewalk instead of walking on the roadway, which is defined as the part of the highway that is paved, graveled, or otherwise improved for vehicle travel. [§20-174 (d) and §20-4.01 (38)]

When sidewalks are not provided, pedestrians walking along or on the highway should, when practicable, walk on the extreme left of the roadway or shoulder facing traffic and must yield the right-of-way to traffic. [§20-174(d)]

Railroad Signals

Pedestrians cannot pass through, around, over, or under any railroad crossing gate or barrier that is closed or in operation. [§20-142.1]

Regarding Physical Impairment

Only persons that are wholly or partially blind can use a white cane (or white-tipped with red) on a street or other public space. [§20-175.1]

Electric Personal Assistive Mobility Devices

A person operating an electric personal assistive mobility device has all the rights and duties of a pedestrian. These devices may be operated on public highways with a posted speed of 25 miles per hour or less, on sidewalks, and on bicycle paths. Operators of these devices must yield the right-of-way to pedestrians and other human-powered devices. Municipalities may regulate the time, place, and manner of operating these devices but cannot prohibit their use. [§20-175.6]

Interactions with Others

Right-of-Way at Crosswalks

Pedestrians have the right-of-way at marked and unmarked crosswalks in residential and business areas except where there is a traffic or pedestrian signal. [§20-155(c) and [§20-173(a)]

Also, whenever any vehicle is stopped at an intersection crosswalk to permit a pedestrian to cross, any other motorist or bicyclist approaching from the rear is not permitted to overtake and pass the stopped vehicle. [§20-173(b)]

Between adjacent signalized intersections that are operational, pedestrians must not cross the roadway at any place except a marked crosswalk. [§20-174(c)]

Right Turn on Red

At intersections, motorists and bicyclists must yield the right-of-way to pedestrians and other traffic when making a right turn on red. [§20-158(b)(2)]

Yielding to Vehicles

When not using a marked or unmarked crosswalk at an intersection, pedestrians must yield the right-of-way when crossing the roadway. They must also yield the right-of-way when crossing the roadway and not using a pedestrian alternative, such as a pedestrian tunnel or bridge, that is provided for them. [§20-174(a) and (b)]

Yielding to Pedestrians Outside of Crosswalks and Intersections

Motorists and bicyclists must yield the right-of-way to pedestrians in several cases that do not involve crosswalks and intersections:

- Where there is a traffic signal emitting a steady red light, or flashing red light or flashing yellow light [§20-158(c)]
- Where there is a stop sign [§20-158(d)(1)]
- When a pedestrian is traveling on a sidewalk or driveway and is approaching a driveway, alley, building entrance, or private road. [§20-173(c)]

Regardless of right-of-way, motorists and bicyclists must exercise caution to avoid colliding with pedestrians on the roadway, and must sound a horn to warn pedestrians, when necessary. Vehicle operators must also exercise caution when observing any child or apparently incapacitated person in the roadway. [§20-174(e)]

Blind Pedestrians

Any wholly or partially blind pedestrian has the right-of-way at any crossing or intersection that is not officer- or signal-controlled so long as they are using a white cane (or white tipped with red) or a guide dog. When not using a cane or a guide dog or when using a motorized wheelchair (or similar vehicle not exceeding 1000 pounds gross weight), they retain all the privileges provided to other pedestrians. [§20-175.2, §20-175.3 and §20-175.5]



Audible Warning

Before starting, stopping or turning, motorists on a highway or public vehicular area must ensure that such movement is safe and must give a clearly audible signal by sounding the horn to warn any pedestrians that would be affected. [§20-154(a)]

Keeping the Roadway Clear

Pedestrians cannot impede the regular flow of traffic by willfully standing, sitting, or lying on the roadway. [§20-174.1]

Pedestrians are not permitted to be in the roadway, shoulder, or median of a highway to solicit business or loiter. Pedestrians can hitchhike (solicit rides) from the highway shoulder, but they cannot be on the roadway. [§20-175] However, hitchhiking or soliciting rides is forbidden on interstate or fully controlled-access highways, except in the case of an emergency. [GO-10 of the General Ordinances of the North Carolina Department of Transportation, Chapter 2 of the NCDOT Maintenance Manual]